

Alstate Process Service Inc.**60 BURT DRIVE****DEER PARK, NEW YORK 11729****631/667-1800**

CASE # INTERPHARM HOLDING 0421

Date Received: 04/21/08

UNITED STATES SOUTHERN DISTRICT COURT

COUNTY OF NEW YORK

INDEX NO.: 08 CV 03479

BRECKENRIDGE PHARMACEUTICAL, INC.

against

Plaintiff(s)

**AFFIDAVIT
OF
SERVICE**

INTERPHARM HOLDINGS, INC., AND INTERPHARM, INC. Defendant(s)

STATE OF NEW YORK, COUNTY OF SUFFOLK

ss.:

GERARD SCULLY

being duly sworn, deposes and says: that deponent is not a party

to this action, is over 18 years of age and resides in The State of New York

That on 04/21/08 9:32 AM at 85 ADAMS AVENUE, HAUPPAUGE, NY 11788

deponent served the within SUMMONS AND COMPLAINT bearing Index# 08 CV 03479 & filing date 04/09/08

on

INTERPHARM, INC.

defendant therein named,

INDIVIDUAL

☐

by delivering thereat a true copy of each to said defendant personally; deponent knew said person so served to be the person described as said defendant therein. (S)He identified (her) himself as such.

CORPORATION

☒

a DOMESTIC CORPORATION, by delivering thereat a true copy of each to SUZANNE SCHWARTZ personally; deponent knew said DOMESTIC CORPORATION so served to be the DOMESTIC CORPORATION described as the named defendant and knew said individual to be the OFFICE MANAGER thereof an authorized person to accept service of process

SUITABLE
AGE PERSON☐

by delivering thereat a true copy of each to a person of suitable age and discretion. That person was also asked by deponent whether said premises was the defendant's and the reply was affirmative.

AFFIXING TO
DOOR, ETC.☐

by affixing a true copy of each to the door of said premises, which is defendant's within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having verified defendant's with and having called there on

TAN AND RED BRICK BUILDING

MAILING

☐

On deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to defendant at defendant's

and deposited said wrapper in a post office of the United States Postal Service within New York State.

DESCRIPTION

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	WHITE	BROWN	45	5' 7	130

USE IN
NYC CIVIL CT.☐

Other identifying features:

The language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of said summons(es).

MILITARY
SERVICE☐

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply.


The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that term is defined in either the State or Federal statutes.

SWORN TO BEFORE ME ON 4-23-08

GERARD SCULLY

LICENSE NO. 1007503


 THERESE M. BRENNAN
 Notary Public, State of New York
 No. 01BR5078017
 Qualified in Suffolk County
 Commission Expires May 19, 2011